

March 09, 2011

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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10 Attorneys for Secured Creditor U.S. Bank, N.A., its successors and/or assigns

11 UNITED STATES BANKRUPTCY COURT

12 EASTERN DISTRICT OF CALIFORNIA

13 In re

14 Bk. No. 10-48620-A-7

15 STEPHEN MARTINEZ

16 Motion No. PPR-1

17 AND CYNTHIA MARTINEZ

18 CHAPTER 7

19 Debtors.

20 Hearing

21 Date : March 7, 2011

22 Time : 10:00 A.M.

23 Place : U.S. Bankruptcy Court

24 HANK SPACONE,

25 501 I Street

26 Sacramento, CA

27 Trustee,

28 Courtroom 28 Dept. A

Judge: Michael S. McManus

ORDER FOR RELIEF FROM AUTOMATIC STAY

It appearing that neither the Debtors nor the Chapter 7 Trustee has any opposition to Secured Creditor's Motion for Relief from Automatic Stay, and with good cause appearing therefore, the Court makes its Order as follows:

IT IS HEREBY ORDERED that the Motion for Automatic Stay in the above-entitled Bankruptcy proceeding is granted as to the Property described and dismissed as against the Debtor as follows.

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March 07, 2011

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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1 AS TO THE PROPERTY generally described as 9062 Clendenen Way,
2 Sacramento California (the "Property"), the Court finds that there is no equity in the Property
3 and it is not necessary to a reorganization and cannot be administered for the benefit of creditors
4 by the trustee.

5 IT IS THEREFORE ORDERED that the motion is granted as to the estate
6 pursuant to 11 U.S.C. section 362 (d)(2). Movant, U.S. Bank, N.A., its successors and/or
7 assigns, its assignees and/or successors in interest may proceed with foreclosure of the Property
8 pursuant to applicable statutory law, and thereafter commence any action necessary to obtain
9 complete possession thereof.

10 AS TO THE DEBTOR, IT IS HEREBY ORDERED that the motion is dismissed
11 as moot given the entry of the Debtor's discharge on February 11, 2011, since the automatic
12 stay has expired as to the Debtor and any interest he may have in the Property.

13 IT IS FURTHER ORDERED that entry of this order shall be deemed to
14 constitute relief from the automatic stay as to any interest the Chapter 7 Trustee may have in the
15 Property.

16 IT IS FURTHER ORDERED that, because it appears the value of the collateral
17 does not exceed Secured Creditor's claim, Secured Creditor is not awarded attorneys' fees and
18 costs for the Motion.

19 IT IS FURTHER ORDERED that the provisions of California Civil Code
20 §2924g(d) run concurrently with Bankruptcy Rule 4001(a)(3) and Bankruptcy Rule 4001(a)(3)
21 is not waived.

22 IT IS FURTHER ORDERED that this bankruptcy proceeding has been finalized
23 for purposes of Cal. Civil Code Section 2923.5 and the enforcement of the note and deed of trust
24 described in the motion against the Property. Further, upon entry of this order granting relief
25 from the automatic stay, the movant and its successors, assigns, principals, and agents shall
26 comply with Cal. Civil Code Section 2923.52 et seq., the California Foreclosure Prevention Act,
27
28

to the extent it is otherwise applicable.

Dated: March 09, 2011

By the Court



Michael S. McManus
United States Bankruptcy Judge